

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**KENNETH YATES and RICHMOND MAY  
DAY COALITION/ORGANIZING  
COMMITTEE,**

**Plaintiff,**

**v.**

**BRYAN NORWOOD, in his official capacity  
as Chief, City of Richmond Police  
Department; CAPTAIN MICHAEL J.  
SHAMUS, in his official capacity as head of  
The Special Events Division, Richmond Police  
Department; and SERGEANT JOHN  
WARD, in his official capacity as Sergeant,  
Special Events Division, Richmond Police  
Department,**

**Defendants.**

**Civil Action No. 3:11CV258**

**MOTION FOR SUMMARY JUDGMENT**

BRYAN R. NORWOOD (“Chief Norwood”), CAPTAIN MICHAEL J. SHAMUS (“Major Shamus”), and SERGEANT JOHN R. WARD (“Sgt. Ward”), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56(c), move for the entry of an Order granting them Summary Judgment in their favor on the grounds that Plaintiffs have not, and cannot, meet their burden of establishing the “extraordinary and drastic” remedy they seek. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997).

For reasons previously presented to this Court, and for reasons set forth in their supporting Memorandum of Law, Chief Norwood, Major Shamus and Sgt. Ward submit that the ordinance at issue, Richmond City Code §§102-500 et. seq.<sup>1</sup>, does not violate any

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<sup>1</sup> For the convenience of the Court, a copy of the ordinance is attached as Defendants’ Exhibit A.

of the Constitutional Rights asserted by the Plaintiffs. Rather, the proposed fee meets the expense incident to the maintenance of public order in the matter licensed.” *Cox v. New Hampshire*, 312 U.S. 569, 577 (1941). The \$294.00 fee covers the cost of providing a police escort to marchers who desire to walk in the street<sup>2</sup> and not on the sidewalk for free. In the present circumstance, the Court should not, and must not, require the taxpayers of the City of Richmond to forever pay for this march.

WHEREFORE, defendants Bryan R. Norwood, Captain Michael J. Shamus and Sergeant John R. Ward request the entry of Order granting them Summary Judgment in their favor and granting them such other relief as the Court deems appropriate.

Respectfully Submitted,

BRYAN R. NORWOOD,  
CAPTAIN MICHAEL J. SHAMUS and  
SERGEANT JOHN R. WARD

By Counsel

/s/

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<sup>2</sup> As previously presented to this Court, Va. Code Ann. § 46.2-928 prevents pedestrians from using the center of roadway travel.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of October, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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